

### **Remarks**

This Amendment and the following remarks are intended to fully respond to the Final Office Action mailed April 30, 2009. Claims 14-17, 20-23, and 25-27 have been amended.

Claims 28-31 have been added. No new matter has been added. Claim 19 has been cancelled.

Claims 14-18 and 20-31 are currently pending.

### **Interview Summary**

Applicant's below signed representative conducted a telephone interview with Examiner Yabut and Examiner Vicky Johnson on August 12, 2009. The interview was directed toward claim amendments, presented herewith in part, that clarify the distinctions between the claimed invention and the cited art. Examiner Yabut indicated that the claim amendments will be further reviewed upon additional consideration of the cited art. The Examiners are thanked for their time.

### **Claim Rejections**

#### **I. Claim Rejections - 35 U.S.C. § 102: in view of Frey**

Claims 14, 15, 18, 22, 23 and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Pub. No. 2004/0012280 to Frey et al. Applicants respectfully traverse this rejection, but have amended claims 14 and 27 to advance this application to allowance.

Claims 14 and 27 have been amended to incorporate similar subject matter as that of dependent claim 19, rendering the present rejection moot. For the reasons discussed below, Applicants respectfully submit that claims 14-15, 18, 22-23, and 27 are patentable.

#### **II. Claim Rejections – 35 U.S.C. § 102/103: in view of Frey**

Claim 26 is rejected under 35 U.S.C. § 102(b)/103(a) as being unpatentable over Frey. Claim 26 depends from claim 14. In view of the below remarks regarding independent claim 14, further discussion regarding the independent patentability of dependent claim 26 is believed to be unnecessary. Applicants respectfully submit that dependent claim 26 is in condition for allowance.

III. Claim Rejections – 35 U.S.C. § 103: Frey in view of Gutshall '730

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being obvious over Frey in view of U.S. Patent No. 4,069,730 to Gutshall. Claims 21 and 25 are rejected under 35 U.S.C. § 103(a) as being obvious over Frey in view of U.S. Patent No. 4,572,875 to Gutshall. Claims 20 and 24 are rejected under 35 U.S.C. § 103(a) as being obvious over Frey in view of U.S. Patent No. 5,000,637 to Adams.

Claims 16-17, 20-21, and 25 depend from claim 14. In view of the below remarks regarding independent claim 14, further discussion regarding the independent patentability of dependent claims 16-17, 20-21, and 25 is believed to be unnecessary. Applicants respectfully submit that dependent claims 16-17, 20-21, and 25 are in condition for allowance.

IV. Claim Rejections – 35 U.S.C. § 103: Frey in view of Sangret

Claim 19 is rejected under 35 U.S.C. § 103(a) as being obvious over Frey in view of U.S. Patent No. 6,269,709 to Sangret. Applicants respectfully traverse this rejection.

Subject matter similar to that of claim 19 has been incorporated into independent claims 14 and 27. Applicants provide the following comments for the Examiner's consideration to the extent the rejection of claim 19 now applies to claims 14 and 27.

A. Claim 14

Claim 14 recites a rotary drive including a rotor positioned in a housing, and a supporting member that provides an axial force to support the rotor. The housing defines a bore and recesses that radially extend from a circumference of the bore. The supporting member includes a plurality of crosspieces having a shape that corresponds to one of the recesses in the housing such that the crosspiece axially inserts within the recess without turning.

Frey discloses a drive device having a rotor 7. A set screw 34 (A in Examiner's annotated drawing) with an external thread is advanced to provide an axial force on the end of the shaft. Paragraph 0029. The set screw 34 having external threads turns into the corresponding end piece; the set screw 34 does not have crosspieces with a shape corresponding to recesses in a housing such that the crosspieces axially insert within the recesses without turning, as required by claim 14.

Sangret is utilized to make up for the deficiencies of Frey. Sangret discloses an apparatus 10 having a housing 60, a gear 20, and an anti-rotation member 80. The housing 60 defines a slot 64 (see FIG. 4) that receives a portion 82 of the anti-rotation member 80 to prevent rotation of an eccentric 50. A threaded plug 66 closes the housing chamber in which the eccentric 50 and the anti-rotation member are located. The threaded plug 66 carries a threaded adjustment screw 101 that engages an axial end of the eccentric 50. When the adjustment screw 101 is screwed into the plug 66, the adjust screw applies an axial force to the eccentric 50 which force is transmitted to the gear 20.

Both Frey and Sangret utilize screws (set screw 34 in Frey and adjustment screw 101 in Sangret) to provide an axial force. The screws (34, 101) turn into the housing. In contrast, claim 14 requires that the supporting member provide an axial force to support a rotor, and requires that supporting member to have crosspieces shaped to axially insert within a recess of the housing without turning.

At least for theses reasons, Applicants respectfully submit that neither Frey nor Sangret teach or suggest the limitations recited in claim 14, and that independent claim 14 and dependent claims 15-18 and 20-26 are patentable.

B. Claim 27

Independent claim 27 recites similar limitations to that of claim 14. At least for similar reasons as discussed with regards to claim 14, Applicants respectfully submit that claim 27 is patentable.

New Claims 28-31

New claims 28-31 depend upon claim 27. At least for the reasons discussed above with regard to independent claim 27, Applicants respectfully submit that dependent claims 28-31 are patentable.

### Conclusion

It is respectfully submitted that each of the presently pending claims (claims 14-18 and 20-31) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicants' representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicants reserve the right to raise these arguments in the future.

Respectfully submitted,



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A handwritten signature in dark ink, appearing to read "Karen A. Fitzsimmons". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Karen A. Fitzsimmons  
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KAF:cjc